

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America

v.

Erik Ramon GUTIERREZ-Hernandez

Defendant(s)

Case No:

19mj 2377

CRIMINAL COMPLAINT


I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of July 31, 2019 in the county of Grant in the State and District of New Mexico, the defendant violated 8 U.S.C. § 1326(a)(1)/(b)(1)(Re-Entry After Deport Felon), an offense described as follows:

an alien, who had been previously arrested and deported from the United States, subsequent to being convicted of a felony, to wit: Re-Entry of a Deported Alien, and who had not received the consent of the appropriate authority of the United States to reapply for admission into the United States, was found in the United States, being willfully in the United States unlawfully.

This criminal complaint is based on these facts:

On July 31, 2019 Agents of the Lordsburg, New Mexico Border Patrol Station encountered the defendant in Grant County, New Mexico. The defendant was questioned as to his citizenship to which he stated that he was a citizen of Mexico illegally present in the United States. The defendant did not cross through a lawful Port of Entry; therefore, he was not admitted or paroled by an Immigration Officer. Immigration checks revealed that the defendant was last removed on or about September 13, 2018 from the United States to Mexico through Laredo, TX. There is no evidence to show that the defendant has applied for or received permission from the proper authorities to be or remain in the United States.

☒ Continued on the attached sheet.


Complainant's signature

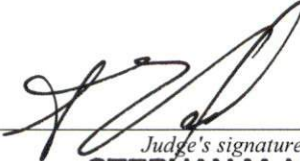
Jason Kempton, Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: August 2, 2019

City and state: Las Cruces, N.M.


Judge's signature
STEPHAN M. VIDMAR
U.S. MAGISTRATE JUDGE

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Erik Ramon GUTIERREZ-Hernandez

Continuation of Statement of Facts:

Criminal record checks revealed that the defendant was convicted of 8 USC 1326 (a)(b) Re-Entry of a Deported Alien on February 23, 2018 in the United States District Court. There is no evidence to show that the defendant has applied for or received permission from the proper authorities to be or remain in the United States.

Continuation of Statutory Language:



Signature of Judicial Officer

STEPHAN M. VIDMAR
U.S. MAGISTRATE JUDGE



Signature of Complainant

Kempton, Jason

Filing Agent